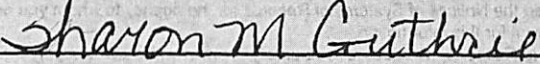


<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		<b>FORM APPROVED OMB NO. 1105-0008</b>	
<b>1. Submit to Appropriate Federal Agency:</b>  Attention: William Olivier Tennessee National Guard JAG Office 3041 Sidco Drive Nashville, TN 37214			<b>2. Name, address of claimant, and claimant's personal representative if any.</b> (See instructions on reverse). Number, Street, City, State and Zip code.  <b>SHARON GUTHRIE</b> c/o Nathan Evans, Esq. <b>WETTERMARK KEITH</b> 1225 E. Weisgarber Road, Suite 160, Knoxville, TN 37909		
<b>3. TYPE OF EMPLOYMENT</b> <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		<b>4. DATE OF BIRTH</b> 07/22/1967		<b>5. MARITAL STATUS</b> Married	
<b>6. DATE AND DAY OF ACCIDENT</b> Dec. 15                      2020		<b>7. TIME (A.M. OR P.M.)</b> 9:49 AM			
<b>8. BASIS OF CLAIM</b> (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).  On Tuesday, December 15, 2020 at approximately 9:49 AM, Sharon Guthrie was traveling East on Highway 30 in or near the City of Athens, McMinn County, Tennessee. Your driver, Samuel Anderson, was traveling in an M1070 heavy duty truck, also traveling East on Highway 30. Mr. Anderson pulled right into a side road to make a wide left turn. When he turned left he struck the side of my client's vehicle.					
<b>9. PROPERTY DAMAGE</b>					
<b>NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT</b> (Number, Street, City, State, and Zip Code).  Daniel Hugh Stanfield - 1761 Highway 30 East, Athens, TN 37303					
<b>BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.</b> (See instructions on reverse side).  Our vehicle was declared a total loss. Farm Bureau of TN resolved our property damage and paid \$42,000.00 for our property damage. Farm Bureau of TN took possession of the vehicle and they no longer have possession of it.					
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>					
<b>STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.</b>  Sharon Guthrie suffered a meniscus tear to her right knee, a fracture to her foot and tear to the tendon in her right ankle, a tear to the cartilage in her left shoulder, a disc bulge to her cervical spine, and a disc bulge in her lumbar spine. SEE DEMAND ATTACHED.					
<b>11. WITNESSES</b>					
<b>NAME</b>		<b>ADDRESS (Number, Street, City, State, and Zip Code)</b>			
Sharon Guthrie  Samuel Anderson		1761 TN. Hwy 30 E., Athens, TN 37303  169 Pawnook Farm Road, Lenoir City, TN 37771			
<b>12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)</b>					
<b>12a. PROPERTY DAMAGE</b>		<b>12b. PERSONAL INJURY</b>		<b>12c. WRONGFUL DEATH</b>	
42,000.00		750,000.00		0.00	
				<b>12d. TOTAL (Failure to specify may cause forfeiture of your rights).</b>	
				792,000.00	
<b>I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.</b>					
<b>13a. SIGNATURE OF CLAIMANT</b> (See instructions on reverse side).  			<b>13b. PHONE NUMBER OF PERSON SIGNING FORM</b> (205) 479-3810		<b>14. DATE OF SIGNATURE</b> 12/10/2021
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>			<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>		
The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

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NSN 7540-00-634-4046

**STANDARD FORM 95 (REV. 2/2007)**  
 PRESCRIBED BY DEPT. OF JUSTICE  
 28 CFR 14.2

95-109



### INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? ☒ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☐ No

Farm Bureau of Tennessee  
PO Box 307  
Columbia, TN 38402 - Policy No. 8281818

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☒ Yes ☐ No 17. If deductible, state amount.

A claim has been filed with Farm Bureau of Tennessee for uninsured motorist benefits if applicable.

0.00

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

No action has been taken by Farm Bureau of Tennessee with reference to the claim.

19. Do you carry public liability and property damage insurance? ☒ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☐ No

Adina Ridge  
Farm Bureau of Tennessee  
PO Box 307, Columbia, TN 38402

### INSTRUCTIONS

**Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.**

**Complete all items - Insert the word NONE where applicable.**

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A **SUM CERTAIN** FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
- (b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
- (d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

### PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

- A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. **Principal Purpose:** The information requested is to be used in evaluating claims.  
C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.  
D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

### PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

STANDARD FORM 95 REV. (2/2007) BACK



**WETTERMARK  
KEITH**

*The Name You Know & Trust*

**OFFICES**

BIRMINGHAM, AL  
CHATTANOOGA, TN  
DOTHAN, AL  
HUNTSVILLE, AL  
KNOXVILLE, TN  
MONTGOMERY, AL  
PANAMA CITY, FL

December 13, 2021

VIA EMAIL: [william.a.olivier2.civ@army.mil](mailto:william.a.olivier2.civ@army.mil)

William Olivier  
Tennessee National Guard JAG Office  
3041 Sidco Drive  
Nashville, TN 37214

RE: **SETTLEMENT DEMAND**

Our Clients: Sharon Guthrie  
Driver: Samuel Anderson  
Date of Accident: December 15, 2020

Dear Mr. Olivier:

Please be advised that this office represents Sharon Guthrie for injuries she sustained in an automobile collision involving one of your technicians. This letter constitutes our formal demand on her behalf for settlement arising from the accident of December 15, 2020.

**LIABILITY**

On December 15, 2021, my client Sharon Guthrie was traveling east on Highway 30 in the County of McMinn, Tennessee when she was struck Mr. Anderson who was driving an army transport vehicle and failed to keep a proper lookout and turned left into my client's lane of travel striking my client. **(Exhibit A – Police Report)**

**INJURIES AND TREATMENT OF SHARON GUTHRIE**

Immediately after the accident Ms. Guthrie experienced pain to her neck, upper and lower back, left hip and right leg with bruising pain. Ms. Guthrie was transported by ambulance from the scene of the accident to UT Medical Center.

Ms. Guthrie was transported to UT Medical Center via ambulance. She arrived with complaints of back pain, left hip pain, right leg pain and chest pain. An extended focused sonogram was performed to rule out trauma to the chest. A CT scan of the neck, chest, abdomen and pelvis was performed which revealed no acute findings. X-rays were also taken of the right knee and right tibia and fibula. No fractures or dislocations were revealed. While in the emergency room Ms. Guthrie became hypertensive and was given meds to alleviate her symptoms. She was diagnosed with acute pain due to her accident, hypertensive and discharged.

On December 18, 2020, Ms. Guthrie presented to Family Practice & Screening Center for follow up as a result of the injuries she sustained in the auto accident. She presented with complaints of continued mid to low back pain and was given a referral for an MRI of her lumbar spine.

On December 23, 2020, Ms. Guthrie was referred to Cleveland Imaging for an MRI of her lumbar spine. While the MRI revealed degenerative disc changes, it also revealed bilateral lateral recess encroachment at L4/5, with possible compressed bilateral inferior traverse nerve roots and central and foraminal narrowing at L4/5.

On December 29, 2020 Ms. Guthrie presented to Family Practice and Screening Center via telehealth as her symptoms had not improved. She complained of continued back pain, neck pain and right knee pain. A review of the MRI of the lumbar spine revealed a disc bulge at L5-S1 and L4-L5. A recommendation was made for an MRI to the cervical spine as well as the right knee.

On January 5, 2021, Ms. Guthrie presented to Village Podiatry Centers with complaints of pain to her right ankle and right foot. She was examined and diagnosed with bursitis of the right foot as well as a contusion to the ankle. X-rays were taken of her right ankle and she was instructed to apply Voltaren gel for relief of her symptoms.

On January 11, 2021, Ms. Guthrie had an MRI off her right knee. The MRI revealed a small amount of fluid on the knee, signal abnormality body and posterior horn consistent with a meniscal tear. Ms. Guthrie also had an MRI of her cervical spine revealed a disc bulge at C6-C7.

On January 18, 2021, Ms. Guthrie sought treatment with Erlanger Bone & Joint for follow up to her injuries. She presented with continued complaints of neck and back pain and stiffness. Dr. William Garrett examined her and found tenderness to her right knee. Dr. Garrett reviewed her MRI to her cervical spine which revealed a mild bulging disc at C6-C7. Because her right knee was having the most issues, he recommended a corticosteroid injection to calm it down. Dr. Garrett also recommended physical therapy to help alleviate her symptoms. While the MRI to her knee revealed arthritic degenerative changes, Ms. Guthrie was asymptomatic before the automobile accident that occurred on December 15, 2020.

On January 19, 20221, Ms. Guthrie returned to Village Podiatry Centers with complaints of pain to her right ankle and foot. She was examined and diagnosed with a contusion to her right ankle, pain and bursitis of her right foot. She was diagnosed with a contusion to the ankle, pain to the right foot and bursitis of the right foot.

On January 29, 2021, Ms. Guthrie presented to Family Practice & Screening Center Telehealth for follow-up as result of back pain and right knee pain. She reports she consulted with an Orthopedic doctor and had a steroid injection 10 days prior. She stated the steroid was wearing off and was tearful, overwhelmed and depressed as a result of her injuries.

On January 28, 2021, Ms. Guthrie sought treatment at Erlanger to address her back pain, knee pain and bulging lumbar disc. She was referred to Dr. William Garrett at the Chattanooga Bone & Joint and a script was written for physical therapy at Erlanger Physical Therapy.

On February 1, 2021, Ms. Guthrie returned to Dr. Garrett for follow up on her right knee pain. Dr. Garret examined Ms. Guthrie and diagnosed her with osteoarthritis of the right knee, patellofemoral arthralgia of the right knee and pes anserinus bursitis of the right knee. Ms. Guthrie reported she did not get much relief from the previous injection. She was referred to physical therapy and a pes anserine bursa injection was also given.

On February 22, 2021, Ms. Guthrie returned to Dr. Garrett with complaints of continued right knee pain with no improvement from the injections. Ms. Guthrie reported that physical therapy made her knee looser but still painful. She reported her knee was not as tight as before. Examination further revealed limited range of motion to her left shoulder. Ms. Guthrie was diagnosed with left rotator cuff tendinitis and subacromial bursitis. Ms. Guthrie was given an injection to her left shoulder to help alleviate her pain and discomfort and referred to physical medicine rehab and physical therapy for her right knee.

On February 23, 2021, Ms. Guthrie returned to Village Podiatry Centers for follow up to her ankle and foot injury. She was examined and instructed on range of motion exercises and stretching and encouraged to use over the counter medication for pain. She was referred to imaging for an MRI of her ankle and foot.

On March 10, 2021, Ms. Guthrie had an MRI to her right ankle. The MRI to the right ankle confirmed a tear to the tendon in her ankle.

On March 15, 2021, Ms. Guthrie returned to Village Podiatry Centers for follow up on her ankle injury. The MRI to her ankle was reviewed and she was referred to physical therapy, immobilization was discussed and if no improvement possible surgery to correct a small tear.

On March 30, 2021, Ms. Guthrie sought treatment with Dr. David Lowry for continued pain to her lumbar spine. Ms. Guthrie complained of numbness and tingling down her left leg since the December 15, 2020 accident. Examination revealed tenderness at L3, L4 and L5 with restricted



extension of her back. She was diagnosed with left side and right-side lower back pain with left lower extremity pinched nerve root and tingling. Partial lumbarization of the S1 vertebral body with rudimentary S1-S2 disc space, Moderate L5-S1 degenerative disc disease with disc bulging, and disc desiccation and disc bulging with facet arthropathy at L4-L5 creating a mild central canal and left greater than right foraminal stenosis. Ms. Guthrie reports the onset of pain to her back and left leg since the December 15, 2020 accident. Ms. Guthrie was given an epidural steroid injection to help alleviate her pain.

On April 12, 2021, Ms. Guthrie returned to Dr. Garrett with continued complaints of pain to her knee. She reported that the pain caused her to experience difficulty sleeping. She also reported pain to her back and shoulder. While her pain was much improved from the physical therapy, she still experienced pain when picking items up. She was referred to get an MRI of her left shoulder to rule out a rotator cuff tear. The MRI to her right knee revealed a meniscus tear and was referred to Dr. Bruce for surgery.

On April 23, 2021, Ms. Guthrie presented to Erlanger Bone & Joint with complaints of back pain, neck pain, knee pain. An MRI of her left shoulder was performed which revealed a tear to the fibrocartilage attached to the rim of her shoulder socket.

On April 30, 2021, an MRI revealed a disorder of her left shoulder joint, neuropathy of her left suprascapular nerve, subacromial bursitis of her left shoulder joint, bicep tendinitis of left upper extremity and adhesive capsulitis of her left shoulder. Dr. Hill performed a nerve block to her left shoulder to help alleviate her symptoms. Dr. Hill also recommended follow up with Dr. Bruce regarding her right knee and left shoulder.

On May 3, 2021, Ms. Guthrie returned to Dr. Jeremy Bruce for follow up to her right knee and left shoulder. Ms. Guthrie reports that her left shoulder is much improved from the nerve block with good range of motion and little pain. She reports spasms to her neck but is able to tolerate it. Dr. Bruce recommended another steroid injection to the right knee or viscosupplementation. Dr. Bruce proceeded with a steroid injection and looking at moving to possible viscosupplementation as a next option as the only other option is knee replacement.

On May 18, 2021, Ms. Guthrie sought treatment with Dr. Lowry for follow up to her lower back pain. Dr. Lowry recommended a lidocaine patch as well as a series of injections. If the injections did not work, Dr. Lowry recommends a surgical evaluation.

On June 7, 2021, Ms. Guthrie returned to Dr. Garrett with complaints of pain to her left shoulder. Ms. Guthrie reports her pain has come back. She completed physical therapy. Dr. Garrett referred Ms. Guthrie to get an EMG nerve conduction study of her left shoulder.

On June 14, 2021, Ms. Guthrie received an epidural steroid injection from Dr. Lowry. After the first injection she had a series of injections 2 weeks apart. Dr. Lowry diagnosed her with

suprascapular nerve entrapment in her left shoulder and continued pain to her right knee. Dr. Lowery referred Ms. Guthrie to a spine surgery group.

On June 29, 2021, Ms. Guthrie underwent an EMG to her left shoulder which revealed neuropathy to the left shoulder muscle and left shoulder joint.

On July 6, 2021, Ms. Guthrie had an MR to her brain as a result of complaints of blurred vision and temporal headaches. The MRI showed mastoid opacification/fluid possibly caused by trauma

On July 21, 2021, Ms. Guthrie had an appointment with Dr. Bruce for the injury to the right knee. She received another injection to her right knee. On July 28, 2021, Ms. Guthrie received an injection to her right knee and left shoulder. Dr. Bruce reviewed her MRI which was negative for rotator cuff but did show some AC arthropathy impingement and the nerve conduction EMG revealed a left suprascapular nerve entrapment.

On August 4, 2021, Ms. Guthrie returned for her 3<sup>rd</sup> Euflexxa injection and indicated she was ready to proceed with a full workup towards surgery.

On August 10, 2021, Ms. Guthrie presented for a guided lumbar injection to L4-L5 and L5-S1.

On August 18, 2021, Ms. Guthrie presented to Starr Regional Medical Center for a CT of the brain without contrast due to complaints of headaches, vertigo and ataxia which was correlated to the MRI examination on July 6, 2021.

On September 17, 2021, an EMG was performed of Ms. Guthrie's lower back which revealed evidence of compressed nerve root with active loss of nerve supply. (**Exhibit B – Medical Records**)

Ms. Guthrie incurred medical bills totaling approximately \$59,409.02 to date. (**Exhibit C – Medical Bills**)

### **PAIN AND SUFFERING**

Ms. Guthrie suffered a meniscus tear to her right knee, a broken bone and tear to the tendon in her right foot and ankle, a tear to the cartilage in her left shoulder as well as a disc bulge to her cervical spine and lumbar spine. She was subjected to grueling and invasive treatments. Your insured's reckless behavior has caused my client to endure constant pain that has endured for well over 12 months.

### **FUTURE MEDICAL**

As a result of the injuries sustained by my client, Ms. Guthrie will require knee replacement surgery, surgery to repair a rotator cuff tear to her left shoulder and surgery to alleviate her back pain.

At present, Ms. Guthrie is receiving ablation treatment to the nerve endings in her back to help alleviate her back pain.

Her doctors have indicated Ms. Guthrie will need knee replacement surgery which ranges from \$30,000 to \$50,000 as well as rotator cuff surgery ranging from \$7,000 to \$15,000.00 and surgery to her back to help alleviate symptoms to her back in the amount of \$50,000 to \$90,000.00, not including rehabilitation and recovery.

### **LOST WAGES**

Furthermore, as a result of the accident Sharon Guthrie has not worked since the accident and is not working now. She has lost a total of \$82,000.00 in lost wages. My client ran a 24-foot food truck and pawn shop business. Attached are copies of merchant receipts which document proof of her income. **(Exhibit D – Merchant Receipts)**

### **CONCLUSION**

For this reason and in an effort to resolve this claim, we could recommend that Sharon Guthrie settle her claim for \$750,000.00 with regards to her bodily injury claim.

Please advise my office of your response within 30 days from the date of this letter.

We look forward to your response.

Sincerely,



Nathan Evans

NEE/dlc  
Enc.